

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF ISLAND COUNTY, WASHINGTON**

IN THE MATTER OF ADOPTING	)	
FINDINGS OF FACT FOR THE	)	ORDINANCE C-       -08
DESIGNATION OF FREELAND AS A	)	PLG-002-08
NON-MUNICIPAL URBAN GROWTH	)	
AREA AND INCORPORATING THE	)	
FREELAND SUB AREA PLAN INTO	)	
THE ISLAND COUNTY		
<u>COMPREHENSIVE PLAN</u>		

**WHEREAS**, on December 10, 2007 the Board of Island County Commissioners agreed to accept the Planning Commission's recommendation to adopt the Freeland Sub Area Plan, to designate Freeland as a Non-Municipal Urban Growth Area (NMUGA), and to incorporate the Sub Area Plan into the Island County Comprehensive Plan; and

**WHEREAS**, the Board of Island County Commissioners directed Planning and Community Development to prepare supporting Findings of Fact and an implementation strategy that outlines tasks that need to be completed prior to full implementation of the Sub Area Plan; and

**WHEREAS**, prior to full implementation, other elements of the Island County Comprehensive Plan must be amended so that they are consistent with the Freeland Sub Area Plan; and

**WHEREAS**, prior to full implementation, specific development regulations must be adopted that carry out the goals, policies and objectives of the Freeland Sub Area Plan; and

**WHEREAS**, prior to full implementation, a sewer treatment plant must be constructed and sewer lines installed that will serve the levels of density and intensity that are allowed under the Freeland Sub Area Plan; and

**BE IT ORDAINED** that the Board of Island County Commissioners hereby adopts Findings of Fact, attached hereto as Exhibit A, for the Freeland Sub Area Plan and designation of Freeland as a Non-Municipal Urban Growth Area.

APPROVED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

BOARD OF COUNTY COMMISSIONERS OF  
ISLAND COUNTY, WASHINGTON

\_\_\_\_\_  
John Dean, Chairman

\_\_\_\_\_  
Phillip Bakke, Member

\_\_\_\_\_  
Wm. L. McDowell, Member

ATTEST:

\_\_\_\_\_  
Elaine Marlow  
Clerk of the Board

# Exhibit A (Findings of Fact)

## **Finding of Fact**

### **General**

1. The Board of Island County Commissioners finds that designation of Freeland as a Non-Municipal Urban Growth Area (NMUGA) is a critical component of the County's efforts to properly manage future growth. Freeland is already a major commercial and residential hub on South Whidbey Island. Designation of Freeland as an NMUGA will encourage further intensification of commercial and residential development thereby helping to alleviate growth pressures that are expected to continue to occur on South Whidbey.
2. The Board finds that it is premature to establish procedures for reviewing projects. One of the next steps in this process is to develop implementing development regulations. It is appropriate for the Board of Island County Commissioners to consider the procedures for project review in concert with the creation of the specific development regulations.
3. The Board of Island County Commissioners has reviewed the recommendations prepared by the Freeland Sub Area Planning Committee and the Island County Planning Commission. The Board finds that both recommendations share an essential common core of vision, goals, policies, objectives and implementation strategies.
4. The land use intensities and densities established in the Freeland Sub Area Plan are not permitted until development regulations have been adopted and urban services are installed and available for use. In the interim, the existing land use standards, densities and intensities continue to apply to parcels within the NMUGA.

### **Implementation Strategy**

1. The Board of Island County Commissioners adopted the Freeland Sub Area Plan and designated Freeland as a Non-Municipal Urban Growth Area on December 10, 2007. The Board's decision to adopt the Planning Commission's recommendation included direction to the Department of Planning and Community Development to assemble a transition strategy. The purpose of the transition strategy is to outline each remaining step that must be completed before the Sub Area Plan can be fully implemented.
2. The Board of Island County Commissioners adopted the land use chapter of the Sub Area Plan. The land use chapter constitutes only one chapter of a comprehensive plan. Pursuant to the Growth Management Act a comprehensive plan must include chapters for land use, housing, capital facilities, utilities, transportation, economic development, and a parks and recreation. The countywide comprehensive plan already includes chapters for each of these subject areas. Each chapter will have to be evaluated in order to ensure that they are consistent with the Freeland Sub Area Plan. It is anticipated that amendments to other elements of the Comprehensive Plan will be necessary. Each chapter will be reviewed by Planning and Community Development who will forward draft amendments to the Planning Commission. The Planning Commission will consider the draft amendments, conduct public hearings, and forward recommendations to the Board.

3. In order to fully implement the Freeland Sub Area Plan development regulations must be adopted. Regulations that control land use, density, architecture, storm water, lighting, signage, landscaping, etc. must be developed and adopted. These regulations will support and control future urban levels of development in Freeland.
4. The Planning Department is responsible for the drafting of development regulations. Department staff shall work with experts who live and work in the Freeland NMUGA in the drafting of the development regulations. All development regulations must be reviewed and considered by the Island County Planning Commission. The Planning Commission will conduct public hearings and forward recommendations to the Board.
5. In order to fully implement the Freeland Sub Area Plan urban levels of infrastructure must be constructed. Sewer, water and storm water infrastructure is necessary to support the levels of intensity and density that are established in the Sub Area Plan. Comprehensive plans for sewer, water and storm water have been already been prepared. These plans will need to be implemented in order for the land use policies and objectives to be realized.
6. Completing each of these items will likely take many months to finalize and implement. The Board finds that it is appropriate to develop a schedule for completing those items for which the County is responsible. In the meantime, the Board finds that the Sub Area Plan can be a useful guidance document in the implementation of existing regulations. The Board understands that the Growth Management Act requires that comprehensive plans and development regulations must be consistent. Because the land use designations within Freeland will not change until all of the above items have been completed, the existing land use designations will remain in place. However, the Board instructs the Planning Department to look for opportunities to find common ground between existing goals and policies and those that are in the Sub Area Plan. Of particular importance is the evaluation of commercial development proposals. If there are inconsistencies between the existing comprehensive plan and the Freeland Sub Area Plan the existing comprehensive plan shall prevail.

### **Schedule**

1. 2008 – Development Regulations
  - a. February 1, 2008 to May 1, 2008 – the Planning Department and local professionals in Freeland meet to discuss development regulations.
  - b. May 1, 2008 to July 1, 2008 – the Planning Department drafts regulations based on discussions.
  - c. July 1, 2008 to September 1, 2008 – the Planning Department and local professionals finalize a draft proposal.
  - d. September 1, 2008 to October 1, 2008 – the Planning Commission conducts public hearings on the proposed development regulations.

- e. November 1, 2008 – the Planning Commission recommendation is forwarded to the Board of Island County Commissioners for consideration.
2. 2009 – Comprehensive Plan Amendments
    - a. May 1, 2009 – the Planning Department will forward to the Island County Planning Commission recommended changes to the following chapters of the Island County Comprehensive Plan: Housing, Capital Facilities, Utilities, Transportation, Economic Development, Parks and Recreation.
    - b. May 1, 2009 to June 30, 2009 – the Planning Commission will conduct public hearings.
    - c. July 1, 2009 to July 31, 2009 – the Planning Commission deliberates, makes a recommendation and finalizes its findings.
    - d. August 1, 2009 – the Planning Commission forwards its recommendations to the Board of Island County Commissioners.
    - e. September 1, 2009 – the Board decides whether to accept the Planning Commission’s recommendation.

### **Sub Area Plan**

1. The Sub Area Plan establishes numerous goals and policies. There was a great deal of discussion on the merits of using the terms “shall” and “must” versus the terms “should” and “may” within the specific goals and policies. Staff originally recommended the more passive terms to the Freeland Sub Area Planning Committee. The Committee amended the staff recommendation to use the terms “shall” and “must.” BHC Consultants recommended that the Planning Commission change the words back to “should” and “may.” The Planning Commission accepted this recommendation.
2. The Sub Area Plan is a policy document that guides the creation of development regulations. The development regulations are used to evaluate site specific development proposals. The Growth Management Act mandates that policy documents like a sub area plan be consistent with implementing development regulations.
3. Because the Sub Area Plan is a policy document that guides the creation of the specific development regulations and is not used in the review of specific development proposals, the Board finds that it is appropriate to remove words like “shall,” “should,” “must,” and “may.” Removing these terms maintains the goal and policy directives of the Plan but removes ambiguities that arise from qualifier words.
4. Most development regulations use terms like “shall” and “must” because regulations typically establish very specific requirements that are not optional. Regulations do not typically utilize terms such as “should” and “may.”
5. The Board finds that the Freeland Sub Area Plan provides very clear direction that design standards are an important element in achieving the established vision. There are numerous

policies that stress the importance of design. Design standards include such aspects as architecture, landscaping, lighting, signage, the color and materials used for buildings, orientation of structures and uses, roof pitch, viewscales, etc. It is the Board's intent to develop design regulations that are incorporated into Island County that achieve the goals and fulfill the policies of the Sub Area Plan. The Board believes that the professionals who are well versed in architecture, planning, engineering and design should be actively involved in the development of the design regulations.

6. While design standards are a crucial element to fulfilling the vision of the Freeland Sub Area Plan, the Board finds that applicants who submit land use applications should not be subjected to overburdensome levels of project review. The Board does not support design review boards and citizen advisory committees that result in additional levels of review that lengthen the permit review process.
7. The Board finds that legally established existing uses in the Freeland NMUGA should continue to benefit from the same standards that all other legally established existing uses in unincorporated Island County are subject to.
8. The Planning Commission recommendation includes findings which provide additional restrictions to two ten acre parcels referred to as "Freeland Hill." The Board finds that site specific restrictions are better placed in future development regulations and that it is inappropriate for a policy plan to establish these types of controls. Therefore the Board rejects the follow portions of Planning Commission finding of fact #29.g:

"The Planning Commission also finds it appropriate to establish protective land use regulations for these two properties. Specifically, in order to achieve the maximum density of 3 dwelling units per acre the housing units shall occupy no more than 20% of the site area. In order to achieve the minimum density of 1 dwelling unit per acre there are no clustering requirements. Additionally, standards should be developed to address density and open space requirements for development proposals that fall between this range. Policies and regulations should also be developed that require a variety of different types of housing on these two parcels; this may include apartments, condominiums, single-family, etc. Techniques such as zero lot line setbacks, increased height limits, low-impact development, and reduced road widths should all be considered when developing the land use regulations that will apply to these parcel so that the maximum density can be achieved and the maximum amount of open space can be established."

9. The Board hereby adopts by reference the remainder of the Planning Commission's findings of fact